

SECTION 8. DISCOVERY AND PREHEARING ISSUES.

A. Scope. Within ten calendar days following the filing with the Office of Professional Conduct of a request for a public hearing by a respondent attorney after a ballot vote pursuant to

Section 10(D)(3), the Executive Director and the respondent attorney shall exchange the names,

addresses, and telephone numbers of all persons having knowledge of relevant facts and of all potential witnesses at the public hearing. Within sixty (60) days following the filing of the request for a public hearing, the Executive Director and the respondent attorney may take depositions in accordance with Arkansas Rule of Civil Procedure 30 and shall comply with reasonable requests for (i) non-privileged information and evidence relevant to the charges or the

attorney, and (ii) other material upon good cause shown to the chair of the panel before which the matter is pending for hearing.

B. Resolution of Prehearing Disputes.

(1) Disputes concerning discovery shall be determined by the chair of the panel to which the matter was assigned. All discovery orders by the chair are interlocutory and may not be appealed prior to the entry of the final order.

(2) Other prehearing disputes or motions, including a motion to dismiss the complaint, shall be decided by the hearing panel chair, unless the panel chair determines that the dispute or motion should be decided by the full hearing panel. If a motion to dismiss the complaint is denied by the hearing panel chair or by the full hearing panel, that denial shall not be grounds for disqualification or recusal of the chair or any member of the hearing panel deciding the motion.

C. Rules of Civil Procedure Not Applicable. Proceedings under these Procedures are not subject to the Arkansas Rules of Civil Procedure regarding discovery, except those rules relating

to depositions and subpoenas. Interrogatories, requests for admissions, and other forms of discovery not specifically authorized in these Procedures are not available in proceedings before the Committee.

Associated Court Rules:

Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law

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